

4 February 1946

Mr. Robert D. Morrow, Chairman
Arizona Children's Colony Board
c/o Office of the Superintendent
Tucson Public Schools
Tucson, A r i z o n a

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ARIZONA ATTORNEY GENERAL

Dear Mr. Morrow:

This is in reply to your communication of 26 January 1946, requesting our opinion as to whether or not funds standing to the credit of the board of directors of state institutions for juveniles for the account of the Arizona Children's Colony may be transferred to the Arizona Children's Colony Board, which was created by Chapter 34, Special Session of the Legislature, 1945, and also inquiring whether or not such funds may be used by your board to defray expenses for stationary, postage, clerical help, and travel incident to the administration duties of your board.

Section 3 of Chapter 34 of the First Special Session, 1945, reads as follows:

"Sec. 3. Transfer of Funds. All moneys standing to the credit of the board of directors of state institutions for juveniles for the account of the Arizona Children's Colony shall be transferred to the Arizona Children's Colony Board."

The foregoing section is clear and unambiguous. It means that all of the money outstanding in favor of the old board shall be transferred and accrue to the use and benefit of the new board.

The next question involves the use that the board may make of such funds. Your attention is hereby called to Section 2, subparagraphs (c) and (d) respectively, Chapter 88 of the Laws of 1943:

"(c) The receipts accruing under provisions of (section 4, chapter 61, Session Laws of 1941, regular session) and of Sec. 2, subsection (a) of this Act are appropriated to the board of directors of state institutions for juveniles for the use of the Arizona children's colony, for salaries, operation, maintenance, repairs and replacements, and capital investment, shall be available during the thirty-second and thirty-third fiscal years.

"(d) All moneys accruing from the rental of any portion of the land the purchase of which is authorized by paragraph 2, section 1, or from products grown thereon, or from the sale of buildings or equipment thereon, deemed to be unsuitable for the purposes of the Arizona children's colony, are appropriated to the board of directors of state institutions for juveniles, for the purposes stated in subsection (c)."

The lands referred to in subsections (c) and (d) are still parts of the assets of the Children's Colony. We have been informed that this land has been rented for several years and that there is now on deposit with the state auditor to the credit of the Children's Colony the sum of \$7,245.00, representing the accumulation of rental derived from such land.

We are of the opinion that the sum aforementioned is available to your board for all the purposes mentioned in your letter, except salaries. You will note that in subsection (c) aforementioned the rental money may be used, among other things, for "operation, maintenance", etc. The office supplies, traveling expenses of the board members, and necessary clerical help needed in connection with the administration of the Children's Colony's affairs, are, in our opinion, included in the two words aforementioned, and therefore the board is authorized to expend this fund for such purposes.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

HARRY O. JULIANI
Chief Assistant Attorney Gen'l

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